

Amendments to the Drawings

Replacement drawing sheets (three sheets) are provided herewith, as discussed below.

The Examiner is requested to review and approve the replacement sheets.

REMARKS

Applicant has carefully reviewed the Office Action ("Action") mailed January 30, 2007. Claims 1-31 and 33-50 are pending in the application. Applicant respectfully requests reconsideration of this application in view of the following remarks.

A. The Drawings

In the Office Action, the drawings are objected to because they assertedly contain hand written and somewhat unclear ink tags to the drawings. The Examiner requests new corrected drawings in compliance with 37 C.F.R. 1.121 (d). The Office Action indicates that the corrected drawings are required in reply to the Office Action to avoid abandonment of the application.

Replacement drawings are provided herewith. The drawings have been formalized with no hand written portions. The Examiner is requested to review and approve the replacement sheets.

B. The 35 U.S.C. 112 Rejection

In the Office Action, claims 3, 13, 24, 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action asserts that claims 3, 13, 24, 30 recite interrogating computers in an "alternating manner" which is indefinite.

Applicant traverses such rejection and respectfully submits that such claimed feature does satisfy 35 U.S.C. 112. Applicant submits that the metes and bounds of such language is fully clear. Further, the Office Action appears to merely assert that such language is indefinite. Applicant submits that no basis is provided in the Office Action for such rejection, i.e., for what reason is the language indefinite.

Lastly, Applicant notes that such language, asserted to be indefinite, has indeed passed through various prosecution without being previously rejected. Clarification of the rejection is requested.

C. The 35 U.S.C. 102 Rejection

In the Office Action, claims 1-20, 22-31, and 33-50 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,850,531 by Rao et al. This rejection is respectfully traversed.

The Office Action asserts that regarding claim 1, a multiple port unit adapted for coupling one or more computers to multiple peripheral devices over a network (Rao: col. 4, lines 54-67; Fig. 1), said multiple port unit comprising: plural network ports, each of said network ports being configured to couple the multiple port unit to a computer over a respective network link (Rao: col. 5, lines 8-24); and plural communication serial ports, each of said communication serial ports being configured to couple the multiple port unit to a peripheral device (Rao: col. 5, lines 45-52); and a control unit to interrogate the network links (Rao: col. 2, lines 40-49) and to communicatively couple said communication serial ports to a selected one of said network ports based on the interrogation of the network links (Rao: col. 8, lines 53- col. 9, line 26), the control unit further determining whether it is time to interrogate the network links (Rao: col. 8, lines 53 col. 9, line 26).

These assertions as set forth in the Office Action are traversed. As noted in the Office Action, Rao is newly applied art and is the basis of the new grounds of rejection. Pending Claim 1 recites:

A multiple port unit adapted for coupling one or more computers to multiple peripheral devices over a network, said multiple port unit comprising:
plural network ports, each of said network ports being configured to couple the multiple port unit to a computer over a respective network link;

plural communication serial ports, each of said communication serial ports being configured to couple the multiple port unit to a peripheral device; and *a control unit to interrogate the network links and to communicatively couple said communication serial ports to a selected one of said network ports based on the interrogation of the network links*, the control unit further determining whether it is time to interrogate the network links.
(Emphasis added.)

For at least the following reasons, Rao does not anticipate claim 1.

Applicant submits that Rao does not disclose all of the claim features. Claim 1 recites a control unit to interrogate the network links. The Examiner relies on "fault management features" of Rao as anticipating the claimed control unit. The Rao fault management features are designed to "guard against single points of failure within the switch" and to "automatically recover from both equipment faults and external link failures" (Rao, Col. 2, line 40-49).

Rao's "fault tolerant application manager (FTAM)" relies on "[l]ink and port drivers [to] constantly monitor the state of each link and port." (Rao, Col. 9, lines 15-17). Therefore, Rao depends on a hardware driver to report whether the link or port is functioning. Thus, there is no disclosure of the claimed control mechanism that interrogates the network links.

Further, in regard to "the control unit further determining whether it is time to interrogate the network links," the Examiner again cites to Rao even though Rao does not disclose anything regarding determining when to check hardware status, so as to teach the claimed invention. As discussed above, the FTAM as disclosed in Rao relies on the hardware driver to report whether the hardware (line and port) on board are functioning. The FTAM does not determine when it is the time to check on the hardware. Thus, Rao does not disclose or suggest this time-determination feature.

Accordingly, for at least the reasons discussed above, the Action has not shown that Rao \ anticipates claim 1 under 35 U.S.C. 102(e) and Applicant respectfully requests that the rejection

be withdrawn. Claim 1 is believed to be in condition for allowance and allowance thereof is respectfully requested.

Independent claims 11, 22, 30, and 40 are allowable for reasons analogous to those given in support of claim 1. The various dependent claims are believed to be in condition for allowance due to their dependence on an allowable claim and allowance thereof is respectfully requested.

D. The 35 U.S.C. 103 Rejection

In the Office Action, claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,850,531 by Rao et al in view of U.S. Patent No. 6,222,714 by Hoffman et al.

The Office Action asserts that regarding claim 21, the Rao reference teaches a computer architecture as recited in claim 20, with intelligent electronic devices; and that the Rao reference fails to teach controlling protective relays. The Office Action, goes on to assert that however the Hoffman reference teaches wherein said intelligent electronic devices are protective relays (Hoffman: col 7, lines 30-46) in order to provide digital signals to' control the device (Hoffman: col. 7, lines 30-46). The Office Action asserts that it would have been obvious to one of ordinary skill in the art to create the system as taught by Rao to include the intelligent devices such as protective relays as taught by Hoffman in order to provide digital signals to a controller for controlling a device.

However, Applicant submits that even if such modification of Rao would have been obvious (which is not so admitted by Applicant), such modified Rao would still fail to cure the deficiencies of Rao as discussed above.

Withdrawal of the 35 U.S.C. 103 rejection is respectfully requested.

E. Conclusion

For at least the reasons outlined above, Applicant respectfully asserts that the application is in condition for allowance. Favorable reconsideration and allowance of the claims are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below. For any fees due in connection with filing this Response the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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Date: July 1, 2007

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